



— State of —
North Dakota
Office of the Governor
John Hoeven
Governor

EXECUTIVE ORDER 2004-01

WHEREAS, the people of North Dakota are faced with the problems caused by extreme weather conditions, short supplies of propane and diesel products, and high customer demand; and

WHEREAS, drivers of delivery trucks are required to wait for several hours at pipeline terminals for loading which limits their ability to transport product; and

WHEREAS, it is the responsibility of the state to assist the people of North Dakota in addressing the emergencies, disasters, and other hardships that may face the state and its citizens.

NOW THEREFORE, I, John Hoeven, Governor of North Dakota, do hereby declare that a state of emergency exists in North Dakota that requires relief from hours of service regulations 395.3 pertaining to hours of service for drivers of commercial motor vehicles while transporting heating and motor fuels to customers.

This order is issued on the following bases and for the following reasons:

1. Nothing in this order shall be construed to relieve Carriers operating under this order from regulations pertaining to qualifications of drivers, driving of commercial motor vehicles, or parts and accessories necessary for the safe operation of vehicles.
2. Carriers, while under this order shall not require or allow fatigued drivers to operate a motor vehicle. A driver who informs a carrier that she/he needs immediate rest shall be given at least eight consecutive hours before the driver is required to return to service.
3. This order is effective immediately and shall remain in effect for the duration of the emergency (as defined in 49 CFR 390.5) or February 29, 2004 (30 days later), whichever is less.

Executed at Bismarck, North Dakota, this 30th day of January 2004.

/s/
John Hoeven, Governor

Attest:

/s/
Alvin A. Jaeger, Secretary of State